

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

CHARLIE M. TARVER, #123256,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:05-cv-314-F
	)	WO
WILLIAM H. ROBERTSON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The plaintiff's objection (Doc. #5) to the Recommendation of the Magistrate Judge (Doc. #3) filed on May 2, 2005 is overruled;

(2) The Recommendation of the Magistrate Judge entered on April 18, 2005 is adopted;

(3) The claims arising from plaintiff's 1995 arrest and imprisonment are DISMISSED pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) as the complaint is not filed within the time prescribed by the applicable period of limitations.

(4) To the extent plaintiff's complaint challenges the constitutionality of his first degree robbery and first degree murder convictions imposed upon him by the Circuit Court of Bullock County, Alabama, on June 19, 1995, these claims are DISMISSED in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii) .

(5) This case is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) .

DONE this 6th day of June, 2005.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE